

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KONINKLIJKE PHILIPS ELECTRONICS
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

ENTERTAINMENT DISTRIBUTION
COMPANY (USA) LLC;
ENTERTAINMENT DISTRIBUTION
COMPANY; UNIVERSAL MUSIC GROUP,
INC.; UMG MANUFACTURING & LOGISTICS,
INC.; JAMES CAPARRO, an Individual;
JORDAN COPLAND, an Individual; and
John Does No. 1 through 100,

Defendants and
Counterclaim Plaintiffs.

Civil Action No.08-cv-4070 (SCR)

ECF Case

**NOTICE OF MOTION AND MOTION TO DISMISS UNIVERSAL MUSIC GROUP,
INC. PURSUANT TO FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that that on a date and at a time to be determined by the Court, defendant Universal Music Group, Inc., through its undersigned counsel, will appear before the Court at the United States District Court for the Southern District of New York, United States Courthouse at 300 Quarropas Street in White Plains, New York, before the Honorable Stephen C. Robinson, United States District Judge, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting its motion to dismiss the First and Second Counts of the First Amended Complaint and granting such other and further relief as the Court may deem just and proper.

This motion is based upon the accompanying Joint Memorandum of Law in support of

this Motion and all the pleadings to date.

PLEASE TAKE FURTHER NOTICE that the parties have not yet agreed on a briefing schedule and therefore request that the Court set the briefing schedule.

Respectfully submitted,

COOPER & DUNHAM LLP

Dated: June 26, 2008

/s/ Ivan S. Kavrukov

Ivan Kavrukov (IK 4452)
William E. Pelton (WP 1850)
Tonia A. Sayour (TS 7208)
Gregory J. Carbo (GC 8459)
1185 Avenue of the Americas
New York, New York 10036
Tel: (212) 278-0400
Fax: (212) 391-7550
ikavrukov@cooperdunham.com
wpelton@cooperdunham.com
tsayour@cooperdunham.com
gcarbo@cooperdunham.com

Attorneys for Defendant Universal Music
Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June, 2008, I electronically filed the foregoing **NOTICE OF MOTION AND MOTION TO DISMISS UNIVERSAL MUSIC GROUP, INC. PURSUANT TO FED. R. CIV. P. 12(b)(6)** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Edward D. Johnson
MAYER BROWN LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, California 94306-2112
wjohnson@mayerbrown.com

Vince P. Kovalick
John F. Hornick
Samuel C. Bass
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
vince.kovalick@finnegan.com
John.Hornick@finnegan.com
Samuel.Bass@finnegan.com

Christopher J. Houpt
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
choupt@mayerbrown.com

/s/ Ivan S. Kavrukov
Ivan S. Kavrukov